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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/645,660	08/24/2000	Jesus Mena	L9406-002	3538

7590 01/19/2005	EXAMINER	
Patterson Belknap Webb & Tyler L L P	LEE, PHILIP C	
Attn IP Department		
1133 Avenue of the Americas	ART UNIT	PAPER NUMBER
New York, NY 10036	2154	

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">Advisory Action</td><td>Application No.
09/645,660</td><td>Applicant(s)
MENA, JESUS</td></tr>
<tr><td>Examiner
Philip C Lee</td><td>Art Unit
2154</td><td></td></tr>
</table>

--The MAILING DATE of this communication appears on the cover sh t with th correspond nc address --

THE REPLY FILED 22 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See attached paper.*

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: *none*.

    Claim(s) objected to: *none*.

    Claim(s) rejected: *1-3 and 5-20*.

    Claim(s) withdrawn from consideration: *none*.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☒ Other: *See attached paper*

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TECHNOLOGY CENTER 2100

1.   This action is responsive to the remarks filed on November 22, 2004.

2.   The request for reconsideration has been entered and considered but it is not persuasive

because:

      a.   Applicant argues that (1) Lazarus et al, U.S. Patent 6,134,532 (hereinafter

Lazarus) fail to disclose a first data set of user information and a second data set of third

party information. (2) Lazarus does not teach one or more subscriber servers for

collecting information identifying a user and providing a first data set of user

information. (3) Lazarus does not teach one or more demographic databases having third

party information and providing a second data set. (4) Lazarus fails to teach a processor

in operative communication with the one or more subscriber servers and the one or more

demographic databases and receiving said first data set from the one or more subscriber

servers and said second data set from the one as more demographic databases, said

processor including a rule processor receiving said first data set and said second data set

and applying said first and second data sets to one or more rules to determine a score

predicting behavior relating to said collected information identifying said user and

communicating the predictive score to the one or more subscriber servers. (5) Lazarus

does not teach receiving from one or more subscriber servers user-identifying indicia and

providing a first data set of user information. (6) Lazarus fails to teach generating from

the user-identifying indicia a key which corresponds to values indexed by one or more

demographic databases having third party information.

b.   In response to point (1), Lazarus taught a first data set of user information (e.g.

entity vector associated with a user's behavior and action) (col. 21, line 15-col. 22, line

22; col. 7, lines 22-27) and a second data set of third party information (e.g. user profile

vector with external information) (col. 18, line 53-col. 19, line 23). In response to point

(2), Lazarus taught one or more subscriber servers (Entity Vector Update Server (EVUS))

for collecting information identifying a user (e.g. user ID) and providing a first data set of

user information (e.g. entity vector associated with a user's behavior and action) (col. 21,

line 15-col. 22, line 22; col. 7, lines 22-27). In response to point (3), Lazarus taught one

or more demographic databases (e.g. Profile Vector Update Server (PVUS)) with

databases containing user characteristic information from demographic purchasing

databases) having third party information (external information) and providing a second

data set (e.g. user profile vectors) (col. 18, line 53-col. 19, line 23). In response to point

(4), Lazarus taught a processor (Real-Time AD Server (RTAS)) in operative

communication with the one or more subscriber servers and the one or more demographic

databases (fig. 2) and receiving said first data set from the one or more subscriber servers

(e.g. entity vector) and said second data set from the one as more demographic databases

(user profile vector), said processor including a rule processor (RTAS) receiving said first

data set and said second data set and applying said first and second data sets to one or

more rules to determine a score predicting behavior (i.e. comparison to establish a score

performed by the RTAS is specified by the session control file) relating to said collected

information identifying said user (i.e. related to a unique user ID) and communicating the

predictive score to the one or more subscriber servers (col. 22, lines 45-64). In response

to point (5), Lazarus taught receiving from one or more subscriber servers user-identifying indicia (e.g. user ID) (col. 21, lines 62-67) and providing a first data set of user information (e.g. entity vector) (col. 21, line 15-col. 22, line 23). In response to point (6), Lazarus taught generating from the user-identifying indicia a key which corresponds to values indexed by one or more demographic databases having third party information (col. 19, lines 9-24; col. 16, lines 60-65).

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